



CC Docket No 96-45

CC Docket No 02-6

Request for Review

E-Rate 471 Application #	658145
Applicant	Burnt Ranch Elem School Dist
Billed Entity Number	144512
Funding Request Number	1818849

Contact information

Contact name	Rachel Allen
Contact title	Manager, E-Rate Services
Phone No	530-339-5200
Fax	209-834-0087
Email	rachel@csmcentral.com



Dear Sirs,

I would like to request a review of the Administrator's Decision on Appeal – Funding Year 2009-2010 for the above referenced E-Rate application. The basis of the appeal lies in the attached email response that was sent to USAC on February 17, 2010. This email provides evidence that all imposed deadlines were met and the Funding Request should not have been denied for this reason.

Also attached you will find documents that were submitted to all reviewers regarding this Funding Request. A mistake by the initial PIA review team has now culminated in the current denial.

I respectfully request that you review the attached documents and find that the Denial was premature.

Sincerely,
Rachel Allen
Manager, E-Rate Services



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2009-2010

February 19, 2010

Rachel Allen
CSM Central
324 E. 11th Street Suite E-3
Tracy, CA 95376

Re: Applicant Name: BURNT RANCH ELEM SCHOOL DIST
Billed Entity Number: 144512
Form 471 Application Number: 658145
Funding Request Number(s): 1818849
Your Correspondence Received: January 18, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1818849
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that you failed to respond to the Program compliance inquiries in a timely manner. Program compliance made initial contact with Rachell Allen on February 2, 2010 via phone and email. The applicant was instructed that the request was time sensitive and that a response was expected within 15 calendar days. The record shows that on February 9, 2010, Program Compliance contacted the applicant and the erate coordinator and requested applicant to provide the missing documentation/information and reminded them that the requested documentation due date was February 17, 2010. As this information was not forthcoming, we were unable to determine if your funding request was in compliance with Program Rules. Consequently, your appeal is denied.

- USAC reviews all program applications and makes funding commitment and disbursement decisions in compliance with FCC rules. *See* 47 C.F.R. sec. 54.500 et. seq. To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information before it. *See* Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006). *See also* SLD section of the USAC website, Reference Area, "Deadline for Information Requests," www.usac.org/sl. For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant is provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Sarah Supahan

Rachel Allen

From: Rachel Allen [rachel@csmcentral.com]
Sent: Wednesday, February 17, 2010 7:25 PM
To: 'Bambaci, Rocco'
Subject: RE: APP#658145 BURNT RANCH ELEM SCHOOL DIST
Attachments: Burnt Ranch Y12 App 658145.docx; image001.jpg

Importance: High

Hi Rocco,

Attached is the information you requested. Please let me know if anything else is needed.

Thank you,

Rachel



From: Bambaci, Rocco [mailto:RBAMBAC@sl.universalservice.org]
Sent: Tuesday, February 09, 2010 4:29 AM
To: Rachel@csmcentral.com; Rachel Allen@15306292479
Cc: jvardane@cde.ca.gov
Subject: APP#658145 BURNT RANCH ELEM SCHOOL DIST

Good morning, please see attached for a reminder that the information needed for the appeal of APP#658145 is approaching.

Thank you,

Rocco G Bambaci - MBA

Program Compliance

Phone: 973-581-5219

Fax: 973-599-6525

E-Mail: rbambac@sl.universalservice.org

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Schools and Libraries Division

Date: 02/09/2010
Contact Name: Rachel Allen
Applicant Name: Burnt Ranch Elementary School District
Contact Phone Number: 530 339 5200
Application Number: 658145

Response Due Date: 02/17/2010

You were recently sent a written request for additional information needed by the Program Compliance team which is in the process of reviewing your appeal of your Funding Year 2009 Funding Commitment Decision Letter. This is a reminder that the response due date is approaching. To date, none of the requested information has been received. The information needed to complete the review is listed below.

For FRN: 1818849 you are requesting that we adjust the monthly recurring charges to \$4,149.89 or \$49,798.68 annually. However the vendor documentation that you have provided includes ineligible leased equipment and unidentified leased equipment that might also be ineligible to receive funding according to USAC rules.

Please provide the dollar amount associated with the leased equipment that is listed on your documentation from opti-streams (page 4 of the documentation that you sent in on appeal) in the amount of \$1,269.05 per month. Please provide the breakdown of this monthly dollar amount as follows;

- I. The caching server (CACH-APL) - this is 100% ineligible and the dollar amount must be removed from the request. Please provide the dollar amount associated with this piece of equipment so that it can be removed from the request on FRN: 1818849.

The "caching server" as noted on the application is actually an interface edge device that is for bandwidth management to help the schools manage their bandwidth to keep costs contained. Caching is just a part of what that device does, 50%. The price associated with this device is \$4,395.00. We request that it be considered 50% eligible due to the eligible function that it does serve.

I agree to remove \$_____. ____ from FRN:1818849 to remove the ineligible caching server.

- II. The satellite kit (AE-1.24W) please provide the contents of the kit and the dollar amounts associated. If there are ineligible components they will need to be removed from the request. The satellite "kit" is a 1.2 Meter dish, satellite modem, LNB, BUC, cabling and related components. These systems are priced as kits and not broken out in individual components. The cost associated with the kit is 10,833.60

Please fax or email the requested information to my attention.

If we do not receive the requested information by 02/17/2010, your application will be reviewed using the information currently on file. Failure to respond may result in a reduction or denial of funding.

A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.

Should you wish to cancel your appeal, Form 471 applications, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an appeal, application or funding

request(s). Include in any cancellation request the appeal information, Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Thank you,

Rocco G Bambaci - MBA

Program Compliance

Phone: 973-581-5219

Fax: 973-599-6525

E-Mail: rbambac@sl.universalservice.org



Appeal of Funding
Burnt Ranch Elementary School District
Funding Year 2009
Form 471 Application Number 658145
Funding Request Number 1818849

E-Rate 471 Application #	658145
Applicant	Burnt Ranch Elementary School District
Billed Entity Number	144512
Funding Request Number	1818849

Contact	Rachel Allen
Phone	530-339-5200
Fax	530-222-4155
Email	Rachel@csmcentral.com

Dear Reviewer,

I respectfully request that the Schools and Libraries Division reconsider the above funding request number from Year 12 (2009-10). This FRN was funded at the lower amount due to an error in the PIA process. The enclosed documents were provided during the PIA Review process but they were mistakenly overlooked. The reviewer has also acknowledged this error as mentioned in her email that is attached at the end of this document. Please reconsider the attached as evidence that FRN 1818849 should have been funded at a pre-discounted, monthly recurring amount of \$4,149.89.

Sincerely,

Rachel Allen



Rachel Allen

From: Rachel Allen [rachel@csmcntral.com]
Sent: Wednesday, October 07, 2009 8:39 AM
To: 'Bennett, Dorothy'
Cc: 'Joan Przybyla'; 'pia@csmgconsulting.com'
Subject: RE: App # 658145
Attachments: Burnt Ranch Y12 Optestreams contract FRN 1818849.pdf
Importance: High

Hi Dorothy,

I have requested a copy of the signed contract for FRN 1818852 for Burnt Ranch ESD.

In looking over the contracts that Burnt Ranch has in place I have found an error on FRN 1818849. A line item on the contract was omitted in error from the total on the FRN. I have attached the revised FRN as well as the contract for your review.

I request the increase in the FRN due to this error in calculation.

Please let me know if you need any additional information.

I will forward the contract for FRN 1818852 as soon as I receive it.

Sincerely,

Rachel



Appeal of Funding
Burnt Ranch Elementary School District
Funding Year 2009
Form 471 Application Number 658145
Funding Request Number 1818849

BURNT RANCH ELEM SCHOOL DIST

144512

ITEM 21 ATTACHMENT

REVISED

FORM 471# 658145
FORM IDENTIFIER BRES471Y12
FRN # 1818849
ATTACHMENT# BRESDoptistrY12

Service Provider: OptiStreams, Inc.
SPIN: 143014744

Category of Service Internet Access

Type of Service	Speed	Monthly Recurring Charges
Internet Access	up to 15gb	\$ 2,880.84
Leased hardware		\$ 1,269.05

Monthly Recurring Costs \$ 4,149.89

Annual Costs \$ 49,798.68

E-Rate Discount % 70%

Funding Request \$ 34,859.08



connecting you to a world of limitless possibilities!

Page 1

www.oplistreams.com

OptiStreams, Inc.
1187 N. Willow Ave Ste 103 PMB 250
Clovis, CA 93611
ne: (559)440-6365

Issued By: OptiStreams

jonrh@coplstreams.com , alsch@coplstreams.com
(559)440-6367 / 559-440-6366

SUBSCRIBER ORDER FORM

CUSTOMER INFORMATION:

Company Name: Burnt Ranch Elem School Dist
Contact Name, E-mail: Gordon Heft
Bill-To Address: 251 Burnt Ranch School Rd
City, State, Zip: Burnt Ranch, CA 95527
Phone/Fax: _____
Installation Address: same as bill to
City, State: _____
Zip: _____

Date: 1/8/09
 Order ID: _____ Terms: Due on signature receipt
 Referred By: _____
 Ship-To: _____
 City, State, Zip: _____
 Installer?: _____ Cert #/ID: _____
 Mobile?: N Transportable? N
 Describe Application: _____
 Email: _____

ORDER INFORMATION:

[illegible]

Non-Standard Payment Terms Applied:

ERATE: Equipment 12 month lease term - 07/01/09 through 6/30/10; or as designated per lease length options;

On service, apply additional 1.5% discount for a 2 year lease period period, or additional 3% discount for 3 year lease period.

isted for service are for 12 months, but can be adjusted based on equip lease terms

% SALES TAX: 7.25
California Only

SUBTOTAL:	
SHIPPING:	n/a
TAX:	n/a
TOTAL:	\$ 49,798.68

CONTRACT LENGTH: 12 mos. ☐ 2 Yrs. ☐ 3 Yrs. Minimum term 12 mos./Cancellations & Renewals per service agreement

PAYMENT INFORMATION:

Orders completed and shipment scheduled upon receipt of advance payment by Credit Card, Cashier's Check or Wire Transfer funds only. Quoted prices valid for 30 days from Date issued. Beyond 30 days, prices may change. All completed orders are final and non-refundable.

Credit Card Type: ☐ VISA ☐ MC ☐ DISC ☐ Check

Credit Card Type: ☐ VISA ☐ MC ☐ DISC ☐ Check

Name (As on Card): _____

Credit Card number: _____

CCV number*: _____

*Locating the CCV/CCV2 Security Code on your Credit Card.

VISA/MasterCard/Discover: 3-digit number on back of card, immediately following main card number

American Express: 4-digit number on front of card, above main card number to the right or left

Exp. Date: / / 20

1 By Signing below, Customer agrees to complete purchase of equipment, services, and installation support itemized above, and certifies information provided herein is correct and current. Signature / Date authorizes Total payment be billed to Customer credit card shown above.

Customer Signature: _____ Print Name: _____ Date: _____

2. By Signing below, Customer agrees to the OptiStreams, Inc. Subscriber Agreement and Terms of Service, which can be found online at www.optistreams.com

<http://www.optistreams.com/forms/subscribe>. Agreement states OptiStreams, Inc. standard terms and applies exclusively to Customer.

Customer Signature: X

Print Name: _____

Date:

Title:

Counter-Signature by OptiStream, Inc. Company Officer:

By: Shah, S.

Title: Superintendent

Date: 1/16/05

TERMS & CONDITIONS, Open Market

Quoted prices valid for 30 days from Date issued. Beyond 30 days, prices may change. All completed orders are final and non-refundable.

Unless specified otherwise, installations fees do not include training, or other unique technical services needed on install. Mileage and out-of-scope service fees may apply. Warranty terms for reason of defect are 1-Year Return to Manufacturer (OptiStreams).



Appeal of Funding
Burnt Ranch Elementary School District
Funding Year 2009
Form 471 Application Number 658145
Funding Request Number 1818849

Rachel Allen

From: Bennett, Dorothy [DBENNET@sl.universalservice.org]
Sent: Thursday, January 07, 2010 5:37 AM
To: Rachel Allen
Cc: ssupahan@tcoek12.org
Subject: App # 658145

Hi Rachel,

Upon consultation with my manager, it was concluded that unfortunately it is too late to retrieve your application to make the necessary correction for FRN 1818852 in my department. We approved \$1269.05, but that FRN amount should have been \$4,149.89. You have provided vendor documentation to support the increase in a timely manner.

You will have to file an appeal.

My manager suggested you file your appeal through PIA rather than USAC since the mistake was made on our end. In addition contact us via email when you have filed the appeal so we can contact the appeals group and perhaps speed things up. Be prepared to provide them with the same info you sent to me to support your increase. Since your application is out of my queue, I don't have the ability to add any additional documentation to the system.

Again, I apologize for the inconvenience.

If you have any additional questions or concerns, please feel free to contact me.

Dorothy Bennett

USAC - Schools and Libraries Division

Voice: 973-581-6724

Fax: 973-599-6522

dbennet@sl.universalservice.org

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